



Department of Natural Resources and Conservation Geocoding Information, Complications, and Solutions
Prepared for Water Policy Interim Committee
November 21, 2019

Total number of processed ownership updates have increased

- Average number of processed updates has more than doubled in the last decade, during similarly booming economies
- Allowing updates via DOR information and paper forms has proven to be a great combination, however, DNRC is still soliciting for an average of 1,704 updates annually that were not filed with DNRC by property buyers or sellers.
 - **Fee letters are sent to new property owners if it is determined that the new owner did not submit an ownership update form and fee. In most cases, these water rights should be updated, and this is how DNRC brings the required update to the new owner's attention.*

Total corrections to ownership updates are down

- Corrections are entered into the database any time an incorrect ownership is truly corrected (could result from an entry/processing error or submittal error).
 - Corrections on water rights with paper forms since 2001: 8,941 / 56,940 = **15.7%**
- DOR Corrections are entered into the database any time an incorrect owner is truly corrected (could result from an entry/processing error, county entry error, DOR entry error, or submittal error)
 - Corrections on water rights with DOR updates since 2009: 1,749 / 69,369 = **2.5%**

Legal land descriptions have improved

- Of the 71,737 Groundwater Certificates, DNRC has reissued 4415 with corrected legal land descriptions.
 - 6.2% of existing Groundwater Certificates
 - This number represents those that have shown up through DOR lists to date. There will be more as additional properties transfer.
- DNRC has updated legal descriptions based upon claim examination rules on non-decreed Statements of Claims. Those were not tracked so no numbers are attainable.
- DNRC has sent many requests and will continue to send requests to the water court for legal description corrections. These are not tracked by DNRC so no numbers are attainable.

Searchability has improved

- The public and DNRC staff can perform quick searches to see if water rights are appurtenant to properties in question

Additional notes and areas for improvement

- Court involvement is not required for simple ownership corrections
- Court involvement may be required for ownership disputes between parties
- Court involvement may be required for legal land description modifications to:
 - Any decreed water rights
 - Non-documented or disputed legal land description modifications
- Geocodes are mainly used by DOR for tax records, therefore, they are generally correct, though mistakes can happen. Presently, when brought to DOR and DNRC's attention, they are fixed with very little hassle.
- Buyers and sellers are both notified of updates as required by the Supreme Court rules and therefore have an opportunity to correct errors.
- DNRC relies on owners and the Water Court to provide information regarding ownership if water right elements change
- Water Right divided interests are governed by a different statute, therefore any "split" (required by statute) of water rights are not affected by geocoding. Any split or sever forms that are filed require supporting deeds be filed.
- DNRC uses Orion for geocoding as well as Cadastral. Orion is a DOR program and is more accurate than Cadastral.
- **Maps are the best tool we have for identifying places of use. DNRC has moved to putting maps in all New Appropriations files and getting Adjudication and Water Court to add maps to files will help with Statements of Claims particularly if there has been a modification to the place of use. Without maps, mistakes will happen.**
- **DNRC needs deed access across the state—only some counties are available and some charge fees for access**
- **Better direct database communication between DOR and DNRC would make the process more efficient and provide less room for human error in the transfer of data**
- **An expedited process for correcting legal land description errors with the water court could increase the speed of ownership updates and corrections. Unique requirements for backup documentation and a special docket to resolve these types of corrections might be of consideration.**